

FASTEST HARNESS RACERS.

THE FOUR WONDERS OF THE SEASON.
NANCY BANKS, MARTHA WILKES, STAMBOL
AND KREMLIN.

Four horses on the trotting turf this season asounded the students of racing records. Having done such marvellous work in one year, even greater things are expected of them next summer. The four great trotters are, first of all, Nancy Banks, and Martha Wilkes, Stamboul and Kremlin.

Nancy Banks, the queen of the trotting turf, first saw the light in Kentucky and from the beginning of her career she was looked upon as a possible record-breaker. She received her first lesson on the turf in the hands of "Ben" Kenney, who developed her to a record of 2:07 1/2. As it was late in the season, the record was not California, in the lead, Kremlin's next attempt for the stampon championship reduced the record to 2:07 3/4. As it was late in the season, many persons tried to get him to race over, but Stamboul and Kremlin had already won the colors of the Kentuckian and the stampon record is now 2:07 1/2. They have been some

objections made to Stamboul's record on technicalities, but the general opinion of turfmen is that it will stand.

Kremlin is one of the surprises of 1892, as he seems to improve every time he is driven. Budd Doble predicts that he is the coming horse, as there is all that can be desired in conformation and breeding. He is a son of undoubted speed, and his speed and stamina cannot be denied, as he will eventually become the champion stampon many horsemen concede. His record is a brilliant one and speaks for itself, and does not in any manner affect the stampon record. Stamboul, who has taken up so many points in the last two years, has taken after a hard struggle won the championship on four-tenths of a second.

Three of the famous quartet of trotters are owned by the English. It is believed that Stamboul will join them, as several wealthy New-Englanders have declared their intention to bid on him. The New-England breeders may well be proud of the fact, as they have produced a champion, which is no small achievement.

Stamboul, 2:07 3/4, by Lord Brougham, dam Eliza, foaled March 2, 1874, by Allevante, dam Ella, and unless all signs fail, Stamboul, 2:07 1/2, by Sultan, dam Fleetwing. They are the four fastest trotters in the country.

FROM BENCH AND BAR.

GATHERED FROM LAWYERS AND AMONG THE COURTS.

It rarely happens that the number of judges not belonging to the Supreme Court of this department who are sitting in various branches of that court in this city is as great as in the last week. Besides Judge Follett at the General Term and Judge Knell holding the Oyer and Terminus, there were Judge Parker and Judge Truax and Beach assigned from other courts in this city. Four out of the nine judicial officers acting as supreme Court Justices last week were not elected to perform the duties to which they were assigned. The necessity of bringing in out-of-town judges is usually greatly regretted by city lawyers who are accustomed to the ways of the regularly chosen Supreme Court Judges of this district. The fact that so much outside assistance is needed indicates that there would not have been great opposition to the Constitutional amendment proposed by the adoption of additional Judges of the Supreme Court if it had been offered to the people in the shape in which it was first presented to the Legislature. The original resolution called for the election of judges to life and the second did not call for election, but it was changed so as to secure additional support in the Legislature. As amended it was defeated at the last election, and the number of judges will remain as at present, probably for many years to come, unless a constitutional convention changes the sections relating to the judiciary.

Courts of various kinds have occupied a large share of public interest during the last week. There have been the religious or theological courts in which Professors Briggs and Smith have been on trial. Among the cases in the course of law which have excited a special public interest have been a sensational speech of a prominent case, a trial in which a leading infant and a prominent church member have had words this and other cases which have excited more or less comment. The freedom with which the cases are commented on while on trial and before any verdict is rendered would excite surprise in England and in some other countries where a lawsuit is considered almost a private matter until a decision is given. Some English newspaper proprietors were recently brought into court for publishing evidence before it was submitted to a jury. Hereto the acts of counsel and witnesses before the trial, during trials, are usually disclosed, but criticism of trials and the judges are freely passed. There may be a question whether the license allowed does not sometimes bring the law into disrepute, but it does prevent wrong doing on the part of the judges. The high-toned amateur is affected by the reports of trials as also some compensation for any harm from the great freedom in treating of court transactions.

The Superior Court judges have adopted this year the same practice as in the last few years, of calling a "reserved generally" calendar, and disposing of some of the old cases which have not been brought to trial for years. Lawyers may by agreement have a case "reserved generally" every time that it appears on a calendar, and so an indefinite delay is secured. Judge Goldfarb in calling these cases this year was more strict than the other judges had been in previous years, and when good cause was not shown for delay, he struck the case entirely from the calendar. One of the old cases which have reappeared from time to time dates back to 1856, and one of the lawyers remarked that he had not seen his client for thirty years. He was still, however, not inclined to give up the case, but it came up again and every time it did so it was struck off the calendar. It will not appear again. Judge Goldfarb took it from the calendar. About two-thirds of the old cases called were then disposed of, and when may be called the permanent calendar of the court will be greatly reduced. The new practice, however, is to strike out a similar plan, and to reduce greatly the calendar of some of the other courts. Judge LaCombe, by vigorous disposition of the calendar of customs cases in the United States Circuit Court a few years ago, likewise got rid of many cases familiar to the preceding generation of lawyers.

"The New-York Law Journal" in commenting last week upon an article by Professor C. G. Tidman in "The Columbia Law Times," notes the tendency in the courts, especially those of last resort, to modify the law in the interests of justice, even though some inconsistency appears in the decisions from time to time. Professor Tidman believes that popular opinion in the community is the ultimate authority of the law, and that the demands of public opinion are the law itself. He has pointed out how at various times public opinion has been influential in changing the character of a law so that that which was supposed when enacted to mean one thing becomes something very different. The tendency thus spoken of in the courts toward attempting to obtain justice, in spite of technical difficulties, is not that which is ordinarily attributed to judges. Most of the public criticism of the courts is that they are too much bound by precedent, and that in the hard and sharp lottery case furnish two recent instances of too great strictness in following precedents having little public sympathy. In such cases, however, the action of the law must be static, even if occasional injustice results. "The Law Journal," however, seems to think that the courts act more freely in some cases than in others, and that they are more ready to accept a principle of uniformity. It is probably true that judges are less strictly bound by precedent than they formerly were, but public opinion would probably restrain them in further departing from the strict letter of the law.

In another case a subscription, it was alleged, had been made by Tassius, Livingston & Co. The only proof was an affidavit.

The court held that the man entered, not having the same sound as that of the real firm and there being no proof of identity, the firm of Tassius, Livingston & Co. could not be held responsible.

The Court of Appeals thereupon held that it was a question of fact whether the extensive litigation may be forthwith be less obtrusive in the law reports.

A vigorous attack on the Russian judiciary appears in the current number of "The Political Science Quarterly." The author, Isaac A. Hirsch, writes from his own experience at the bar in Russia. The codes adopted in 1864 were somewhat similar to the French codes, and provided for the usual safeguard against injustice. However, he shows that the principles enunciated over a quarter of a century ago were not carried out in practice. The judges were at first appointed for life, but the fixed tenure of office has been a considerable change in the character of the judiciary owing to different methods of carrying out the rules as to the appointment and removal of the judges. The Senate in one of its departments, the supreme judicial court, has the power to appoint the code as originally proposed, all the decisions of the Senate were reported and published. But for the last fifteen years only cases selected by the Senate have been reported. The rules as to the criminal procedure have been peculiarly severe. An "inquisition" act is a sort of investigating judicial officer, but is usually a prosecutor. He is, however, supposed to look out for the interests of the party in favor of the prosecution. The appellate courts do not, it is charged, give any effectual supervision over the acts of the inferior courts.

On the Russian procedure the theory is that the counsel for the defendant will probably succeed in getting evidence to get the police to drop the case.

The expenses paid by the state up to November 30 amount to \$12,247.30.

The Christmas number of "The Seventh Regiment Gazette" contains much interesting information of what is going on in the various companies and organizations connected with the regiment, both in a social and military way. "The Gazette" is an amateur paper, and the editors pride themselves as an amateur paper, in course is a painful one.

NOTED CUPS OF THE WORLD.

PRIZES WHICH YACHTSMEN LOVE.

THE AMERICA'S COMES FIRST OF ALL—THE CAPE MAY AND BRUNTON'S BELF PICTURES.

With a new challenge for the America's Cup the interest in international yachting reaches like the world. It is to international yachting that yachting in its higher forms must look for the perpetuation of a healthy and vigorous life always. There are some trophies now offered for competition by yachting levers of different nations. First and foremost of these is always and ever the America's Cup, the "blue ribbon of the seas." This is an ugly cup of silverware offered by the Royal Yacht Squadron in August, 1851, in order to make a race for the American schooner-yacht America, which was debarred from sailing for the Queen's Cup by the rules of the club. It was won by the America and offered as a perpetual challenge cup for friendly competition by the yachts of the world. No nations except England and Canada have challenged for it. England challenged in 1850, 1851, 1855, 1856 and 1857. Canada challenged in 1856 and 1857.



THE AMERICA'S CUP.

The foreign yachts which have striven for the cup are Cambria, Livonia, Countess of Dufferin, Atlanta, Genesta, Galatea and Titania. The American yachts which have successfully defended the cup are the Maine, Columbia, Sappho, Madeline, Mischief, Parrot, Mayflower and Volunteer. The Columbia and Sappho both sailed against the Livonia.

The Cape May Challenge Cup was presented to the New York Yacht Club in 1872 by James Gordon Bennett, Races for it are open to yachts of all nations. In 1872 the schooner Dreadnaught won it sailing against the Palmer. The next year the schooner

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